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Class Members

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

KORRELL COLE,

Plaintiff,

v.

ROBERT LUNA, KATHRYN  
BARGER, HOLLY MITCHELL,  
JANICE HAHN, HILDA SOLIS,  
LINDSEY HORVATH, DEPUTY  
SHERIFF PALENCIA, DEPUTY  
SHERIFF PINEDA, DEPUTY  
SHERIFF PALACIOS, DEPUTY  
SHERIFF MARTINEZ,  
SERGEANT STELTER, and 10  
UNKNOWN, NAMED  
DEFENDANTS,

Defendants.

2:23-cv-10392-SB(PDx)

**SECOND AMENDED COMPLAINT**  
**(pursuant to 10/28/24 order)**

CLASS ACTION ALLEGATIONS  
DEMAND FOR JURY TRIAL

Judge Stanley Blumenfeld, Jr.

Plaintiff makes the following allegations in support of the this amended  
complaint:

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1 **JURISDICTION AND VENUE**

2 1. Plaintiff, **KORRELL COLE**, is a Black person who asserts his federal  
3 claims, pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1985(3) and subject matter  
4 jurisdiction lies pursuant to 28 U.S.C. § 1331 of these federal claims.  
5

6 2. The matters that are the bases for this action occurred in Los Angeles  
7 County, California, and in the City of Los Angeles, and therefore venue lies in the  
8 United States District Court for the Central District of California, and in its  
9 Western Division, pursuant to 28 U.S.C. § 1391.

10 **THE PARTIES**

11 3. Plaintiff is a person who has been subject to Los Angeles Sheriff  
12 Department ("LASD") police brutality and thuggery, and defendants are Los  
13 Angeles County Sheriff **ROBERT LUNA**, in both his individual and official  
14 capacities, Supervisors **KATHRYN BARGER, HOLLY MITCHELL, JANICE**  
15 **HAHN, HILDA SOLIS, and LINDSEY HORVATH**, in their official capacities  
16 only, **DEPUTY SHERIFF PALENCIA, DEPUTY SHERIFF PINEDA,**  
17 **DEPUTY SHERIFF PALACIOS, DEPUTY SHERIFF MARTINEZ,**  
18 **SERGEANT STELTER**, in their individual capacities only, and **10**  
19 **UNKNOWN, NAMED DEFENDANTS.**  
20

21 4. Defendants, each and all are sued in *both* their individual and official  
22 capacities, but only in their official capacities for the claims made under *Monell v.*  
23 *Dep't of Soc. Svcs. of the City of New York*, 436 U.S. 657 (1978), with respect to  
24 which defendants are sued only in their official capacities.

25 5. Plaintiff is a person who was both a pre-trial detainee and a convicted  
26 person who was been brutalized and subjected to thuggery and subjected to  
27 constitutional violations at the hands of defendants.  
28

1 6. Defendants and each of them played some material role in the acts and/or  
2 omissions alleged hereinbelow and in the setting of policies and customs of the  
3 LASD, and their unconstitutional policies, practices, procedures, and customs  
4 were the moving forces behind the constitutional violations inflicted on plaintiff.

5 **ALLEGATIONS COMMON TO EACH COUNT**

6 7. Each and every allegation set forth in each and every averment herein  
7 is incorporated by this reference in each and every other averment and allegation  
8 of this pleading.

9 8. All acts and/or omissions perpetrated and/or engaged in by each  
10 defendant, in their individual capacities, were louché, and done maliciously,  
11 callously, oppressively, wantonly, recklessly, with deliberate indifference to the  
12 rights allegedly violated, despicably, with evil motive, and/or intent, in disregard  
13 of the clearly-established rights of plaintiff, and in clear violation of the federal  
14 Constitution and of the California Constitution, and of controlling federal law,  
15 both statutory and common law, as set forth by both the United States Supreme  
16 Court and the United States Court of Appeals for the Ninth Circuit.

17  
18 9. Defendant Deputy Palencia worked at Works Module 3700 of the Mens'  
19 Central Jail.

20 10. Defendant Watch Commander Unknown Named Defendant/John Doe #1  
21 worked the Jail as a jailer lieutenant, over Module 3700 "EM" Shift Jail Division,  
22 and was responsible for the tracking, supervision, and conduct of deputies in jail.

23 11. Defendant Deputy Pineda worked at Works Module 3700 of the Jail,  
24 as a Training Officer Deputy Jailer.

25 12. Defendant Deputy Palacios worked at Works Module 3700 at the Jail, as  
26 a Training Officer Deputy Jailer.  
27  
28

1           13. Sergeant Stelter #53134 worked at Works Module 3700 at the Jail as a  
2 Sergeant, employee of Defendant County.

3           14. These deputy defendants unlawfully used excessive force against  
4 plaintiff and assaulted, battered, harassed, and retaliated against him for utilizing  
5 the complaint/grievance process, and this action also is against the Los Angeles  
6 County Sheriff, defendant Robert Luna, as the supervisory officer responsible for  
7 the conduct of defendants, and for his failure to take corrective action with respect  
8 to Sheriff personnel whose vicious propensities were notorious, to assure proper  
9 training and supervision of the personnel, and to implement meaningful  
10 procedures to discourage lawless official conduct. This action is brought pursuant  
11 to 42 U.S.C. §§ 1983, and the First, Eighth, and Fourteenth Amendments to the  
12 Constitution of the United States.

13           15. At the time of the wrongful conduct alleged herein, the plaintiff was  
14 both a pretrial detainee and a convicted person who was in the custody of the Los  
15 Angeles County Sheriff's Department and was confined in the Los Angeles  
16 County Men's Jail ("the Jail"), which is an antiquated, medieval-like, 65-year-old,<sup>1</sup>  
17 hell-hole, operated by both defendants Luna and supervisors Barger, Hahn, Solis,  
18 Mitchell, and Horvath, all of whom both refuse to remedy all of its constitutional  
19 deficiencies and refuse to shutter it. *See* "Men's Central Jail faces 'severe structural  
20 damage' in earthquake, report says," Los Angeles Times, Aug. 27, 2024, and other  
21 Times articles attached hereto as Exhibit 2, and all of whose contents are  
22 incorporated herein by this reference.

23  
24           16. At approximately 10:10 p.m. on September 14, 2023, at the Los Angeles  
25 County Men's Jail, plaintiff was escorted by Defendant Palencia from the library  
26 in Module 1750 to Module 3700-Denver Row.

27  
28 <sup>1</sup> *See* Wikipedia article on Men's Central Jail, attached hereto as Exhibit 3, and  
whose contents hereby are incorporated herein by this reference.

1 17. After arriving at 3700-Denver Row, plaintiff changed the channel on the  
2 television, and then asked Defendant Palencia if he could get his previously-  
3 authorized daily shower and grievances.

4 18. Defendant Palencia suddenly became aggressive and approached  
5 plaintiff in a physically threatening manner and mumbled something to the effect  
6 of “keep filing grievances and I’ll call and see what happens to you.”

7 19. Then defendant Palencia ordered plaintiff to turn around, to be  
8 handcuffed. Plaintiff complied, without any resistance.

9 20. Defendant Palencia placed handcuffs on plaintiff’s wrists, then  
10 maliciously adjusted the handcuffs around his wrists excessively tightly, causing  
11 plaintiff to suffer from extreme pain, discomfort, and to cut off circulation.

12 21. Plaintiff complained that the handcuffs were too tight.

13 22. Defendant Palencia ignored him.

14 23. Defendant Palencia took hold of plaintiff’s arm from behind and  
15 escorted plaintiff down a passageway and to the top of a steep, wet, unlit stairwell.

16 24. Unprovoked and without warning, Defendant Palencia maliciously  
17 wrenched plaintiff’s restrained arm and forcibly heaved plaintiff forward, and  
18 intentionally caused plaintiff to lose his footing and to plunge headfirst down the  
19 stair case.

20 25. Defendant Palencia did not make any effort towards helping prevent  
21 plaintiff from falling down the stairwell.

22 26. By doing this, Palencia violated departmental policies and procedures.

23 27. Defendant Palencia and his partner Martinez, just stood at the top of the  
24 stairwell for moments and laughed, after Palencia deliberately pushed the  
25 restrained plaintiff down a flight of stairs, nearly killing plaintiff, via a broken  
26 neck or deadly blow to the head. Then defendant Palencia struck plaintiff in the  
27 chest.  
28

1           28. Defendant Palencia and his partner Martinez stole plaintiff's plastic bag  
2 of legal paperwork and never returned it.

3           29. After the deadly incident, plaintiff was placed on a gurney by the Los  
4 Angeles Fire Department and rushed to the hospital in an ambulance.

5           30. Defendant Palencia's use of excessive and deadly force on the  
6 unresisting plaintiff left plaintiff hospitalized, wearing a neck brace, and  
7 temporarily paralyzed from the waist down.

8           31. Defendants Training Officers Pineda and Palacios of Module 3700 are  
9 directly responsible for failing properly to train trainee Palencia.

10           32. On 9/16/2023, at the 3700-Denver row, grievance receptacle, at  
11 approximately 9:28 am, plaintiff filed grievances against defendant Palencia for  
12 retaliation, excessive force, and racially-motivated mistreatment, and this was  
13 done in full view of surveillance video cameras. Plaintiff never received a  
14 response to his grievances. (Exhibit A, to original complaint, Doc. 1).

15           33. On 10/1/2023, plaintiff filed an appeal for the Sheriff's failure to  
16 properly process and investigate his grievances against staff member Palencia, *et*  
17 *al.*, within the 15-day time limit mandated on the grievance form. The appeal also  
18 was ignored by jail supervisors. Plaintiff's grievances are regularly mishandled by  
19 jail supervisors.  
20

21           34. Over a time span of about eight months, plaintiff filed multiple  
22 personnel complaints/grievances against Defendant Palencia, for staff misconduct  
23 and dereliction of duty, which defendant Palencia was embroiled in pending  
24 complaints against him by Plaintiff and other detainees. (*See* Exhibit A)

25           35. On 9/10/2023, 3000-Floor defendant Sergeant Stelter approached  
26 plaintiff's cell with multiple written complaints in his hand against defendant  
27 Palencia, for misconduct.  
28

1           36. Defendant Sgt. Stelter only briefly questioned plaintiff and other  
2 detainees about the grievances, but Stelter never actually processed the  
3 complaints, provided any reference numbers so that the complaints could be  
4 tracked in any database.

5           37. This included the grievance in which plaintiff expressed he feared for  
6 his safety as to Palencia.

7           38. None of the grievances plaintiff filed against defendant Palencia ever  
8 were properly processed and investigated. Yet, defendant Palencia seemed to be  
9 well-aware that plaintiff was complaining about his behavior.

10           39. On September 7, 2023, defendant Palencia approached plaintiff in a  
11 physically threatening and menacing manner, and threatened to deploy excessive  
12 force against plaintiff, exclaiming: “I’ll cuff you up, then fuck you up.”

13           40. When Plaintiff responded “What’s wrong with you, dude?”, defendant  
14 Palencia replied “Nobody gives a fuck about your grievances. On google, it said  
15 you’re never going home anyway. You shot at a white officer idiot. See! Black  
16 Lives ***Don’t*** Matter!”, as he walked away down the tier, apparently already aware  
17 of the grievances filed against him.

18           41. Plaintiff was convicted and sentenced in 2022, and at the time of the  
19 incidents alleged herein he was detained in Los Angeles County jail, on unrelated  
20 non-violent charges, as both a convicted person and as a pre-trial detainee.

21           42. The incident in aver. 40, made plaintiff afraid to continue filing  
22 grievances and had a chilling effect on the exercise of plaintiff’s rights to petition  
23 the government for a redress of grievances, which is protected conduct. But filing  
24 grievances was plaintiff’s only way to document the fact that defendant Palencia  
25 continued to engage in various retaliatory actions against plaintiff, as a result of  
26 him filing grievances. This was a tragic irony.

27           43. The Jail grievance process is unavailable and futile.  
28

1 44. The Jail staff ignore grievances and threaten to retaliate for filing them.

2 45. This is the custom.

3 46. Plaintiff filed grievances but defendants refused to respond to his  
4 grievances or properly to process and investigate his grievances. There exist  
5 copies of complaints filed and grievances were filed on video camera.

6 47. After plaintiff requested responses to his grievances, he on-goingly was  
7 subjected to repeated threats of retaliation and violence against plaintiff and his  
8 relatives for filing grievances.

9 48. On September 9, 2023, Defendant Palencia maliciously deactivated  
10 plaintiff's telephone account, so that he couldn't communicate with the outside  
11 world and his legal team, then ignored multiple detainees needing medical  
12 attention for hours and unleashed a profanity-laced tirade over the module  
13 loudspeaker, screaming: "3k Boys! We are the hardest gang here!" Meaning "3000  
14 Boys," a Sheriff's Deputy Gang originating on the 3000 floor, where this occurred.  
15 A grievance was filed. (*See* Exhibit A to original complaint, Doc. 1).

16 49. Defendant Palencia is a self-proclaimed deputy gang member, who is  
17 part of a sheriff's deputy gang called "the 3000 Boys."

18 50. Defendant Stelter reviewed all of these grievances on 9/10/2023, and  
19 failed to do anything whatsoever to protect plaintiff's safety.

20 51. Instead, there was yet more retaliation ensued.

21 52. Stelter could've prevented all of this, but he refused to take away any  
22 action to prevent harm.

23 53. By having personal knowledge of defendant Palencia's illegal actions,  
24 failing to correct that misconduct, and encouraging the continuation of the  
25 misconduct, defendant Stelter also violated plaintiff's rights under Fourth and  
26 Eighth Amendments to the Constitution and caused plaintiff pain, suffering,  
27 physical injury, and emotional distress.  
28



1           54. Plaintiff was on-going subjected to a retaliatory campaign of  
2 harassment by numerous 2000/3000/1750 Floor deputies (gang members and gang  
3 associates) who repeatedly used threats, intimidation, lies, and coercion to try to  
4 dissuade plaintiff from prosecuting personnel complaints/grievances and civil  
5 actions, even going so far as to try to get plaintiff to distort the truth and change  
6 his version of the events.

7           55. The key participants of the campaign of retaliation include, but not  
8 limited to, the following deputies,: Module 3700 deputies Paz, Training officer  
9 Pineda, Palencia, Training Officer Palacios, Training Officer Blake, Sergeant  
10 Fernandez, Clara Shortridge Foltz, Court House Sergeant M. Fernandez, Legal  
11 Unit Sergeant Michael Larsou, Custody Assistant Donald Hinton, Sergeant Stelter,  
12 Sergeant Duck-Worton,, Sergeant Floes, Sergeant Rickell, Lt. Guardman, Custody  
13 assistant Gutierrez, Sergeant Bueno Cortez, Sergeant Miranda, Sergeant Cliver,  
14 3700 Training Officer Masuda, Training Officer Hernandez, Duniser, Barrientos,  
15 Ibarra, C/A Pineda, Deputy Hernandez working on 9/14/23 at 11:00 pm,  
16 Huddleston Ramirez, Rondox, Mendez, Legal Unit Kennedy, Captain Walker, Lt.  
17 Montoya, Olivares 3300 Hernandez Sergeant Estrada, Aldama Johnson, Lefevre  
18 Salenpour, other Paz, Valle, Horn, all 3000 Floor Sergeants, Ramirez, *etc.* Franco,  
19 Lineali, Barragan, Wright, Podroza, Zepeda, Zamorea, Harrisdon, Rouderos,  
20 Cisneros, Hennessey, Capacata, Sgt. Gutierrez, Garcia, 1750 Hernandez.

21           56. The actions described above were committed by the defendants in full  
22 view of surveillance cameras.  
23

24           57. After the aforementioned retaliatory use of force against plaintiff,  
25 defendant Palencia, on 9/15/23, maliciously and without true facts, went before a  
26 sergeant of Los Angeles County Sheriff's Department, and charged plaintiff with a  
27 false disciplinary action and wrote a false report claiming the incident was  
28 plaintiff's fault, and not the defendant Palencia's fault.

1           58. The aforesaid disciplinary action was terminated in favor of plaintiff,  
2 but with no discipline given by the Sergeant.

3           59. As a result of the misconduct hereinbefore described, plaintiff  
4 experiences humiliation, emotional distress, pain, and suffering, and was  
5 otherwise damaged. He was also severely physically injured as a result of conduct  
6 alleged.

7           60. The abuse to which plaintiff was subjected was inflicted as the result of  
8 and was caused by the institutionalized practice of the Los Angeles County  
9 Sheriff's Department, which was known to, and ratified by Defendants: Los  
10 Angeles County Sheriff's Department, defendant Luna, and the County, with the  
11 defendants having at no time taken any effective action to prevent LASD  
12 personnel from continuing to engage in such abhorrent misconduct.

13           61. Defendant Luna had prior notice of the vicious propensities of his  
14 deputies and defendant deputies, but took no steps to train them, correct their  
15 abuse of authority, or to discourage their unlawful use of authority. The failure to  
16 properly train defendants included the failure to instruct them in applicable  
17 provisions of the U.S. Constitution and the California State Penal Code and with  
18 proper and prudent use of force.

19           62. Defendant Luna, who has been Los Angeles County Sheriff since Dec.  
20 5, 2022, and who before that was City of Long Beach Police Chief from 2014-  
21 2021, who thus was a very-experienced chief law enforcement officer, to-date of  
22 over 10 years' experience, and the supervisor defendants, all ratified, condoned,  
23 approved of, acquiesced in, authorized, tolerated, and were the moving forces  
24 behind the institutionalized practices, and all of the misconduct hereinbefore  
25 detailed, by:  
26  
27  
28

- a. Failure to properly discipline, restrict, and control employees, including defendants Palencia, Pineda, Palacios, and Martinez, and the other deputies whose names are set forth in aver. 55;
- b. Failing to take adequate precautions in the hiring, promoting, and retention of police personnel, including deputies listed in a;
- c. Failing to forward to the office of the District Attorney of Los Angeles County evidence of criminal acts committed by Sheriff personnel;
- d. Failing to establish and/or assure the functioning of a bona fide and meaningful departmental system for dealing with complaints/grievances of police misconduct, but instead failing to respond to such complaints, or responding to such complaints with mis-used bureaucratic power and official denials calculated to mislead the public. This conduct constitutes gross negligence under state law;
- e. Failing to remedy the unconstitutional conditions of confinement at the Jail; and,
- f. Failing to demolish the Jail.

63. As a consequence of the abuse of authority detailed above, plaintiff sustained damages hereinbefore alleged.

64. Los Angeles County Deputies repeatedly interfered with plaintiff's civil rights by threats, intimidation, and coercion against plaintiff and his family members, after he filed grievances and court documents against them. Plaintiff is in genuine fear for his life of deputy sheriff gang members and their associates, who engage in deputy gang violence against arrestees.

65. The plaintiff in this action, during his imprisonment in the Jail suffered from and was injured by unconstitutional and intolerably bad conditions at the Los Angeles County Men's Central Jail, and they included, *inter alia*, the following:



1 policies and accepted the customs of the LASD, among which were  
2 unconstitutional, brutalization of jail prisoners, and plaintiff herein was subjected  
3 to such brutalization and thuggery.

## 4 **COUNT TWO**

5 (Against Defendants Luna, Barger, Hahn, Solis, Mitchell, and Horvath, Under Sec.  
6 1983, Monell)

7 71. "[When] the complaint plausibly alleges a policy, custom, or practice  
8 leading to that violation[, s]ee *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct.  
9 1937, 173 L.Ed.2d 868 (2009)[,] [and] Plaintiffs' allegations amount to . . . more  
10 than an 'isolated or sporadic incident[ ]' that . . . forms the basis f *Monell* liability  
11 for an improper custom. *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996)  
12 [prosecuted by plaintiff's counsel herein]." *Saved Magazine v. Spokane Police*  
13 *Dep't*, 19 F.4th 1193, 1201 (9th Cir. 2001).

14 72. Defendants Luna, Barger, Hahn, Solis, Mitchell, and Horvath are liable  
15 to plaintiff because they had and have, and foster, policies, practices, procedures,  
16 and customs of First, Fourth, Eighth, and Fourteenth Amendment violations by  
17 members of LASD, which policies, in violation of the these Amendments, were  
18 the moving forces that caused the violation of the plaintiff's rights, as alleged  
19 herein, and, also they are supervisorial defendants who are liable because there is a  
20 custom of improperly indemnifying, and of conspiring to indemnify, LASD  
21 officers for punitive damages assessed against those deputies by juries in civil  
22 rights cases, or settling those cases to avoid having to decide on whether or not to  
23 make such indemnifications, because that practice was a moving force that caused  
24 the violations of the plaintiff's rights as alleged herein.

## 25 **COUNT THREE**

26 (Against Defendants Luna, Barger, Hahn, Solis, Mitchell, and Horvath: *Monell*)

27 73. The conditions of confinement at the Jail are horrific and  
28 unconstitutional, and include, but are not limited to, the following:

1 74. Failure to properly discipline, restrict, and control employees, including  
2 defendants Palencia, Pineda, Palacios, and Martinez, and the other deputies  
3 whose names are set forth in aver. 55.

4 75. Failing to take adequate precautions in the hiring, promoting, and  
5 retention of police personnel, including defendant deputies herein.

6 76. Failing to forward to the office of the District Attorney of Los Angeles  
7 County evidence of criminal acts committed by Sheriff personnel;

8 77. Failing to establish and/or assure the functioning of a bona fide and  
9 meaningful departmental system for dealing with complaints/grievances of  
10 police misconduct, but instead failing to respond to such complaints, or  
11 responding to such complaints with misused bureaucratic power and official  
12 denials calculated to mislead the public. This conduct constitutes gross  
13 negligence under state law;

14 78. Bad plumbing, with broken toilets in his numerous cells, over-flowing  
15 with urine and feces, all over the floors in his cells, which sometimes went  
16 on and destroyed his property and belongings, and which he had to clean-up  
17 himself;

18 79. Roaches were all over his cells that he lived in, which he had to kill, and  
19 being woken up in the middle of the night, with roaches in his bed, crawling  
20 on him.

21 80. Failing to remedy the unconstitutional conditions of confinement at the  
22 Jail.

23 81. Failing to demolish the Jail.<sup>2</sup>  
24

25 \_\_\_\_\_  
26 <sup>2</sup> The physical conditions of confinement also include all of those conditions  
27 mentioned and evaluated as being unsatisfactory in the numerous Sybil Brand  
28 Commission for Institutional Inspections, all attached hereto as Exhibit 1, and the  
Los Angeles Times articles attached hereto as Exhibit 4, and all of whose contents  
are incorporated herein by this reference to them.

1       82. Defendants Luna, Barger, Hahn, Solis, Mitchell, and Horvath. all as  
2 official capacity defendants, are liable to plaintiff for all wrongs alleged in this  
3 pleading, pursuant to *Monell*, because they ratified, condoned, approved of,  
4 acquiesced in, authorized, tolerated, and were the moving forces behind the  
5 institutionalized practices, and all of the misconduct alleged herein. *See Exhibits 1*  
6 & 4 hereto, whose contents are incorporated in this averment by this reference.

7                                   **CLASS ACTION ALLEGATIONS**

8       83. Plaintiff is a member of four classes, whose defining characteristics are  
9 that they are persons who were subjected to First, Fourth, Eighth, and Fourteenth  
10 Amendment violations, at the hands of defendants, at the Los Angeles County  
11 Mens' Central Jail, by virtue of: (1) being deprived of the right to petition  
12 government, by filing jail administrative grievances; (2) being subjected to  
13 unreasonable force at the hands of deputy sheriffs, while in custody and/or in the  
14 Jail; (3) being subjected to unreasonable force at the hands of deputy sheriffs; and  
15 (4) being subjected to physical conditions at the Jail that are deplorable, inhumane,  
16 unconstitutional, and "horrific" and that have been for many years and are  
17 unconstitutional.

18       84. Classes (1), (2), and (3) each contain approximately at least 1,000  
19 people, and class (4) contains at least 100,000 people, so that the classes each are  
20 so numerous so that joinder of all members is impracticable.

21       85. There are only common questions of fact and of law with respect to all  
22 class members of each class.

23       86. The claims made by the representative party of each class, plaintiff, are  
24 typical of the claims of each class member.

25       87. The representative of the class, plaintiff, more than fairly, vigorously,  
26 and zealously will represent and adequately protect the interests of all class  
27 members, both themselves and through their very zealous attorney.  
28

1           88. Prosecution of separate actions by individual class members would  
2 create a risk of inconsistent and/or varying adjudications with respect to class  
3 members, which would establish incompatible standards for parties opposing the  
4 classes.

5           89. Defendants have acted and will continue to act on grounds generally  
6 applicable to every class member in both classes, and the class questions not only  
7 predominate but are the only questions that exist, and this action is the far superior  
8 manner to other available methods for fairly and efficiently adjudicating the  
9 controversies.

10           90. The class members' interests in individually controlling the prosecution  
11 or defense in separate actions do not exist, and there are no anticipated difficulties  
12 in managing this class action, especially as to identification of the amount of  
13 damages, identification of class members, and providing actual notice to virtually  
14 all class members.

15           91. Therefore, this action is maintainable under Fed. R. Civ. P. Rule 23(a),  
16 & 23(b)(1)(A),(B)(1), (2), and (3).

17           92. Although there would appear to be no notice requirement as to (B)(1) &  
18 (2) classes, the nature of the notice to be provided to class members would be  
19 decided by the court.  
20

21           93. The definitions of the four classes are as follows: (1) all Los Angeles  
22 County Mens' Central Jail prisoners during the class period, Dec. 2019 to the date  
23 this action goes to trial, who were subjected to excessive force by deputy sheriffs;  
24 (2) all persons during the class period Dec. 2021 to the date this action goes to  
25 trial, who were subjected to excessive force by deputy sheriffs; (3) all Los Angeles  
26 County Mens' Central Jail Prisoners during the class period, Dec. 2019 to the date  
27 this action goes to trial, who were subjected to unconstitutional conditions of  
28 confinement; and (4) all Los Angeles County Mens' Central Jail Prisoners during



1 the class period, Dec. 2019 to the date this action goes to trial, who were subjected  
2 to unconstitutional deprivation of their right to petition government by reason of  
3 their not being avail themselves of a working and honest jail grievance process.

4 **WHEREFORE**, plaintiff requests relief on behalf of himself and on behalf  
5 of each class member against each defendant as follows:

- 6 1. Compensatory damages \$1,000,000;  
7 2. Punitive damages on all non-*Monell* claims, in sums to be determined by  
8 a jury, and as a percentage of the net worth of each defendant, in sums sufficient to  
9 deter future misconduct, and not less than \$10,000,000 per defendant;  
10 4. The costs of action and interest;  
11 5. Attorneys' fees; and,  
12 6. Such other relief as is just and proper.

13 **JURY DEMAND**

14 Plaintiff demands trial by jury of all issues.  
15

16 **YAGMAN + REICHMANN, LLP**

17 By: /s/ Stephen Yagman  
18 **STEPHEN YAGMAN**  
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